

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 5

DOCKET NO.: 2008-0362-MLM-E CASE NO.: 14329

TCEQ ID: RN101206795, RN101220580, RN101220929, RN101177483, RN101458750, RN101239887
RESPONDENT NAME: WELDON W. ALDERS DBA FAIRFIELD ESTATES, DBA MEADOW GLEN
CRYSTAL SPRINGS WATER, DBA WOODWAY SUBDIVISION WATER SYSTEM, DBA WOODLANDS
HILLS WATER COMPANY, DBA LAKEVIEW WATER SYSTEM, AND
DBA SOUTHAMPTON SUBDIVISION

ORDER TYPE		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> PUBLICWATER UTILITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITES WHERE VIOLATIONS OCCURRED: Intersection of CR 6022 and CR 6021(Fairfield Facility); intersection of FM 1413 and CR 490 (Meadow Glen Facility); intersection of CR 427 and FM 1409 (Woodway Subdivision Facility); intersection of CR 6476 and CR 6475 (Woodlands Hills Facility); intersection of CR 4536 and CR350 (Lakeview Facility); and intersection of CR 4700 and CR 4701 (Southampton Facility); Liberty County

TYPE OF OPERATION: Public water systems and retail public utility

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 16, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-3400

Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13 (210) 403-4012

TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581

Respondent: Mr. Weldon W. Alders, Owner, P.O. Box 10, Dayton, Texas 77535

Respondent's Attorney: Mr. Brent L. Watkins, Attorney, Zeleskey Law Firm, PLLC, P.O. Drawer 1728, Lufkin, Texas 75902-1728

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DBA WOODWAY SUBDIVISION WATER SYSTEM, DBA WOODLANDS HILLS WATER COMPANY,
DBA LAKEVIEW WATER SYSTEM, AND DBA SOUTHAMPTON SUBDIVISION
DOCKET NO.: 2008-0362-MLM-E**

Page 2 of 5

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: October 10, 2007 (Southampton); December 11, 2007 (Fairfield, Woodlands Hills); December 13, 2007 (Meadow Glen, Woodway Subdivision, Lakeview)</p> <p>Dates of NOEs Relating to this Case: November 20, 2007 (Southampton); February 11, 2008 (Meadow Glen, Woodway Subdivision, Woodlands Hills, Lakeview); February 28, 2008 (Fairfield)</p> <p>Background Facts: The EDPRP was filed on October 30, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on September 21, 2009.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>MLM: Fairfield Facility - 1. Failed to provide a storage tank capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii]. 2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii]. 3. Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)]. 4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p>	<p>Total Assessed: \$61,390</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$1,715/\$59,675</p> <p>The Respondent paid \$1,715 of the administrative penalty. The remaining amount of \$59,675 shall be payable in 35 monthly payments of \$1,705 each.</p> <p>Site Compliance History Classification – all Facilities: N/A</p> <p>Person Compliance History Classification – all Facilities: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source – all Facilities: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Indifference to legal duty based on violation of two previous Agreed Orders.</p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent performed the following corrective actions:</p> <p>Fairfield Facility – violation nos. 1, 2, 5, and 7: 1. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection. 2. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection. 3. Repaired the barbed wire hanging down from the fence located at Well No. 2. 4. Began maintaining a thorough plant operations manual for operator review and reference.</p> <p>Meadow Glen Facility – violation nos. 4 and 6: 1. Cleaned the calcium deposits on the bottom of the hypochlorinator solution container and repaired the leaking sight glass on the pressure tank. 2. Provided a thorough plant operations manual for operator review and reference.</p> <p>Woodway Subdivision Facility – violation no. 4: 1. Provided a thorough plant operations manual for operator review and reference.</p> <p>Woodlands Hills Facility – violation nos. 1, 2, 3, 4, and 5: 1. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection. 2. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection. 3. Developed and began maintaining records of water works operation and maintenance activities, including the average amount of water treated each week and chemicals used each day. 4. Provided a thorough plant operations manual for operator review and reference. 5. Repaired the leaking pressure gauge at Well No. 3 and repaired the leaking discharge lines at Well Nos. 1 and 3.</p> <p>Lakeview Facility – violation nos. 1, 2, 3, 5, and 6: 1. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection. 2. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection.</p>

Page 3 of 5

**RESPONDENT NAME: WELDON W. ALDERS DBA FAIRFIELD ESTATES,
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DBA WOODWAY SUBDIVISION WATER SYSTEM, DBA WOODLANDS HILLS WATER COMPANY,
DBA LAKEVIEW WATER SYSTEM, AND DBA SOUTHAMPTON SUBDIVISION
DOCKET NO.: 2008-0362-MLM-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to maintain an intruder-resistant fence in order to protect the water system's well [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>6. Failed to provide a properly sealed wellhead to prevent the possibility of contaminating the well water [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>7. Failed to maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>Meadow Glen Facility -</p> <p>1. Failed to provide a storage tank capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i.].</p> <p>2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii.].</p> <p>3. Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)].</p> <p>4. Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>5. Failed to provide a total well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>6. Failed to provide a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>Woodway Subdivision Facility -</p> <p>1. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>3. Repaired the leaking sight glass on the pressure tank.</p> <p>4. Provided a thorough plant operations manual for operator review and reference.</p> <p>5. Decreased the number of connections served by the Lakeview Facility to prevent the pressure tank capacity from exceeding the 85% capacity limit which necessitates providing the Commission with a retail public utility planning report.</p> <p>Ordering Provisions: The Respondent shall undertake the following technical requirements:</p> <p>Fairfield Estates -</p> <p>1. Within 30 days:</p> <ul style="list-style-type: none"> a. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to removing mildew accumulation from the exterior surface on the pressure tank; and b. Ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day. <p>2. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions Nos. 1.a. and 1.b.</p> <p>3. Within 60 days, completely seal the slab surface surrounding the wellhead for Well No. 2 to prevent the possibility of contaminating the well water.</p> <p>4. Within 75 days, submit written certification demonstrating compliance with Ordering Provision No. 3.</p> <p>Meadow Glen Facility -</p> <p>1. Within 30 days, ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day.</p> <p>2. Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 1.</p>

Page 4 of 5

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DBA LAKEVIEW WATER SYSTEM, AND DBA SOUTHAMPTON SUBDIVISION
DOCKET NO.: 2008-0362-MLM-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>2. Failed to maintain Service Pump No. 2 at the well site in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(6)].</p> <p>3. Failed to plug abandoned water system Well No. 2 in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)].</p> <p>4. Failed to provide a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>5. Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)].</p> <p>Woodlands Hills Facility -</p> <p>1. Failed to provide a storage tank capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii.].</p> <p>2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii.].</p> <p>3. Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)].</p> <p>4. Failed to provide a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>5. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>Lakeview Facility -</p> <p>1. Failed to provide a storage tank capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii.].</p>		<p>3. Within 545 days:</p> <ul style="list-style-type: none"> a. Provide a total well capacity of 0.6 gpm per connection; b. Provide a storage tank capacity of 200 gallons per connection; and c. Provide a minimum of two service pumps with a total rated capacity of 2.0 gpm per connection. <p>4. Within 560 days, submit written certification demonstrating compliance with Ordering Provision Nos. 3.a. through 3.c.</p> <p>Woodway Subdivision Facility -</p> <p>1. Within 30 days, ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day.</p> <p>2. Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 1.</p> <p>3. Within 60 days:</p> <ul style="list-style-type: none"> a. Plug Well No. 2 with cement according to 16 TEX. ADMIN. CODE ch. 76 or return it to a non-deteriorated condition; and b. Repair or replace Service Pump No. 2 at the well site. <p>4. Within 75 days, submit written certification of compliance demonstrating compliance with Ordering Provision Nos. 3.a. and 3.b..</p> <p>5. Within 545 days, provide a minimum of two service pumps with a total rated capacity of 2.0 gpm per connection.</p> <p>6. Within 560 days, submit written certification demonstrating compliance with Ordering Provision No. 5.</p> <p>Lakeview Facility -</p> <p>1. Within 30 days, ensure that monthly water works operation and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day.</p> <p>2. Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 1.</p>

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Page 5 of 5

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii.].</p> <p>3. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>4. Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)].</p> <p>5. Failed to maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>6. Failed to submit a written planning report to the Commission regarding the Lakeview Facility that clearly explains how a retail public utility that possesses a CCN and has reached 85% of its capacity will provide the expected service demands to the remaining areas within the boundaries of its certified area [30 TEX. ADMIN. CODE § 291.93(3) and TEX. WATER CODE § 13.139(d)].</p>		<p>Southampton Facility -</p> <p>1. Within 545 days:</p> <p>a. Provide a storage tank capacity of 200 gallons per connection; and</p> <p>b. Provide two or more service pumps with a total combined capacity of 2.0 gpm per connection.</p> <p>2. Within 560 days, submit written certification demonstrating compliance with Ordering Provision Nos. 1.a. and 1.b.</p>
<p>Southampton Facility -</p> <p>1. Failed to provide a storage tank capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i.].</p> <p>2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii.].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	19-Feb-2008	Screening	25-Feb-2008	EPA Due	1-Aug-2008
	PCW	31-Jul-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Fairfield Estates		
Reg. Ent. Ref. No.	RN101206795		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	7
Docket No.	2008-0362-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1: **\$10,050**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 25% Enhancement Subtotals 2, 3, & 7: **\$2,512**

Notes: The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Culpability No 0% Enhancement Subtotal 4: **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5: **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$14,689
Approx. Cost of Compliance \$66,050
0% Enhancement* Subtotal 6: **\$0**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal: **\$12,562**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment: **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$12,562**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$12,562**

DEFERRAL

0% Reduction Adjustment: **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$12,562**

PCW #1

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yulya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(ii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii

Violation Description

Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the water system did not have a ground storage tank, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient storage capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8

682 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,210

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$50,000	14-Apr-2006	26-Jun-2009	3.2	\$534	\$10,676	\$11,210
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of 200 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$11,210

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system did not have any service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient service pump capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8

682 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$4,000

Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,363

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$15,000	14-Apr-2006	26-Jun-2009	3.2	\$160	\$3,203	\$3,363
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$3,363

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)

Violation Description

Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the water system's operating records lacked components of the average amount of water treated each week and chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

76

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Dec-2007	1-Mar-2010	2.2	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$22

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the exterior surface of the pressure tank had mildew accumulation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the water system facilities and equipment in good working condition could result in the exposure of customers of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

76

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	11-Dec-2007	1-Mar-2010	2.2	\$0	\$7	\$8
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to clean the exterior surface on the water system's pressure tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$8

Screening Date 25-Feb-2008		Docket No. 2008-0362-MLM-E		PCW																	
Respondent Weldon W. Alders dba Fairfield Estates		<i>Policy Revision 2 (September 2002)</i>																			
Case ID No. 14329		<i>PCW Revision January 29, 2008</i>																			
Reg. Ent. Reference No. RN101206795																					
Media [Statute] Public Water Supply																					
Enf. Coordinator Yuliya Dunaway																					
Violation Number		<input type="text" value="5"/>																			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(O)"/>																			
Violation Description		<div style="border: 1px solid black; padding: 5px;"> <p>Failed to maintain an intruder-resistant fence in order to protect the water system's well. Specifically, at the time of the investigation, the fence located at Well No. 2 had barbed wire hanging down from it.</p> </div>																			
Base Penalty				<input type="text" value="\$1,000"/>																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="10%"/>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Potential	<input type="text"/>	<input type="text"/>	x																		
>> Programmatic Matrix																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>								
	Major	Moderate	Minor																		
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> <p>Failure to provide proper intruder-resistant protection for the water system's well could expose customers of the water system to an insignificant amount of pollutants which would not exceed levels that are protective of human health.</p> </div>																				
Adjustment				<input type="text" value="\$900"/>																	
				<input type="text" value="\$100"/>																	
Violation Events																					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days <input type="text" value="76"/>																		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>																		
	monthly	<input type="text"/>																			
	quarterly	<input type="text"/>																			
	semiannual	<input type="text"/>																			
	annual	<input type="text"/>																			
single event	x																				
<p>One single event is recommended.</p>																					
Economic Benefit (EB) for this violation			Statutory Limit Test																		
Estimated EB Amount		<input type="text" value="\$21"/>	Violation Final Penalty Total <input type="text" value="\$125"/>																		
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$125"/>																		

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$200	11-Dec-2007	22-Jun-2009	1.5	\$1	\$20	\$21
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair sagging barbed wire on the intruder-resistant fence surrounding Well No. 2, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$21

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to provide properly sealed wellhead to prevent the possibility of contaminating the well water. Specifically, at the time of the investigation, it was documented that the slab surface surrounding the wellhead was cracked and not sealed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide the well with a properly sealed wellhead may allow contaminants to seep in the well and could expose customers of the water system to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 3

76

Number of violation days

mark only one
with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Three monthly events are recommended from the date of the investigation, December 11, 2007, to the screening date, February, 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	11-Dec-2007	1-Apr-2010	2.3	\$2	\$46	\$48
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair and seal the crack in the slab surface surrounding the wellhead, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$48

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Fairfield Estates

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101206795

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to maintain a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

		1	76	Number of violation days
mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$312

This violation Final Assessed Penalty (adjusted for limits) \$312

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Fairfield Estates

Case ID No. 14329

Reg. Ent. Reference No. RN101206795

Media Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	11-Dec-2007	30-Jan-2009	1.1	\$17	n/a	\$17
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101206795	FAIRFIELD ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1460118
Location:	AT THE INTERSECTION OF CR 6022 AND 6021, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 21, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 21, 2003 to February 21, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/14/2006

ADMINORDER 2004-0480-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide the minimum total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps with a minimum total capacity of 2.0 g.p.m. per connection at each pump station or pressure plane.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 10/08/2003 (248003)

2 08/06/2004 (274815)

3 08/10/2004 (274842)

4 02/17/2006 (450154)

5 02/15/2008 (611117)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/17/2006 (450154)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)

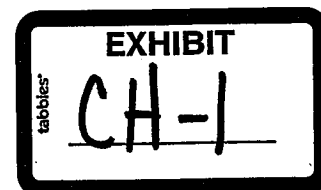
Description: Failure to maintain the Monthly Reports of Water Works Operation these must be compiled regularly each month and kept on file for commission review for at least 2 years.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entity by not cleaning the inside of the



hypochlorinator solution container.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entity by not repairing or replacing the broken sight glass on the pressure tank at #2 well site.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure by the regulated entity to develop and maintain an up to date system monitoring plan.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)		
Description:	Failure by a community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)		
Description:	Failure to inspect the pressure tanks annually.		

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	19-Feb-2008
	PCW	31-Jul-2009
	Screening	25-Feb-2008
	EPA Due	1-Aug-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Meadow Glen Crystal Springs Water		
Reg. Ent. Ref. No.	RN101220580		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	6
Docket No.	2008-0362-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **25% Enhancement** **Subtotals 2, 3, & 7** **\$1,950**

Notes The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$28,062** **50% Enhancement*** **Subtotal 6** **\$3,900**
Approx. Cost of Compliance **\$85,700** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,650**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$13,650**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,650**

DEFERRAL **0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$13,650**

PCW #2

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs We

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 25-Feb-2008		Docket No. 2008-0362-MLM-E		PCW		
Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water				Policy Revision 2 (September 2002)		
Case ID No. 14329				PCW Revision January 29, 2008		
Reg. Ent. Reference No. RN101220580						
Media [Statute] Public Water Supply						
Enf. Coordinator Yuliya Dunaway						
Violation Number		1				
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(D)(ii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i				
Violation Description		Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the water system did not have a ground storage tank, which is a 100% deficiency.				
				Base Penalty		
				\$1,000		
>> Environmental, Property and Human Health Matrix						
OR		Harm				
		Major	Moderate	Minor		
		Release Actual				
		Potential	x			Percent 50%
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
						Percent 0%
Matrix Notes		Without sufficient storage capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would exceed levels protective of human health.				
				Adjustment		
				\$500		
				\$500		
Violation Events						
Number of Violation Events		7		Number of violation days		
		546				
mark only one with an x		daily				
		monthly				
		quarterly	x			
		semiannual				
		annual				
		single event				
				Violation Base Penalty		
				\$3,500		
Seven quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2006-0217-PWS-E, August 28, 2006, to the date of screening, February 25, 2008.						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		\$17,538		Violation Final Penalty Total		
				\$6,125		
				This violation Final Assessed Penalty (adjusted for limits)		
				\$6,125		

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$.							

Delayed Costs

Equipment	\$50,000	28-Aug-2006	31-Aug-2011	5.0	\$835	\$16,703	\$17,538
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of 200 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-0217-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$17,538

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system did not have any service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient service pump capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 7

546 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,500

Seven quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2006-0217-PWS-E, August 28, 2006, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,262

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$15,000	28-Aug-2006	31-Aug-2011	5.0	\$251	\$5,011	\$5,262
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-0217-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$5,262

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)

Violation Description

Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

74

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$175

This violation Final Assessed Penalty (adjusted for limits) \$175

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Dec-2007	1-Mar-2010	2.2	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$22

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the hypochlorinator solution container had calcium deposits built up at the bottom of the container and the sight glass on the pressure tank was leaking.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure the good working condition and general appearance of the water system's facilities and equipment could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

74 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events (one per piece of equipment) are recommended from the date of the investigation, December 13, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	13-Dec-2007	30-Jan-2009	1.1	\$1	\$23	\$24
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leak on the water system's pressure tank and clean the hypochlorinator solution container, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$24

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a total well capacity of 0.6 gpm per connection. Specifically, the water system is required to provide a total well capacity of 198 gpm based on its 330 connections. However, at the time of the investigation, the water system was providing a total of 150 gpm of well capacity, which is a 24% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient well capacity, customers of the water supply could be exposed to a significant amount of contaminants that would not exceed levels protective of human health as a result of low pressure and water outages.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the date of the investigation, December 13, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,205

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$20,000	13-Dec-2007	31-Aug-2011	3.7	\$248	\$4,957	\$5,205
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total well capacity of 0.6 gpm per connection, calculated from the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$5,205

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220580

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to provide a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Meadow Glen Crystal Springs Water

Case ID No. 14329

Reg. Ent. Reference No. RN101220580

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Dec-2007	30-Jan-2009	1.1	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$11
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Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101220580	MEADOW GLEN CRYSTAL SPRINGS WATER	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1460101	
	WATER LICENSING	LICENSE	1460101	
Location:	AT THE INTERSECTION OF FM 1413 OFF AND CR 490, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 21, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 21, 2003 to February 21, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Yuliya Dunaway	Phone:	(210) 403-4077	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/28/2006

ADMINORDER 2006-0217-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of a total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entity by not cleaning the inside of the hypochlorinator solution container.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to conduct an annual inspection of the pressure tanks.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

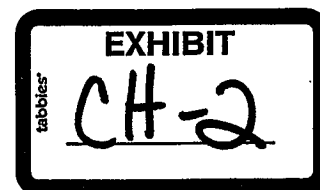
- 1 10/15/2003 (249729)
- 2 02/06/2006 (450155)
- 3 02/11/2008 (611132)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/14/2003 (249729)

Self Report? NO

Classification: Moderate



Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide a minimum water system capacity requirement of a total storage capacity of 200 gallons per connection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	19-Feb-2008	Screening	25-Feb-2008	EPA Due	1-Aug-2008
	PCW	31-Jul-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Woodway Subdivision Water System		
Reg. Ent. Ref. No.	RN101220929		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	5	
Docket No.	2008-0362-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway	
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$2,350**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement Subtotals 2, 3, & 7 **\$235**

Notes

The penalty enhancement is due to two prior NOV's for the same or similar violations as those in the current enforcement action.

Culpability

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts \$4,259
Approx. Cost of Compliance \$17,400

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$2,585**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$2,585**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$2,585**

DEFERRAL

0%

Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$2,585

PCW #3

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Weldon W. Alders dba Woodway Subdivision Water

Respondent System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220929

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to two prior NOVs for the same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 25-Feb-2008 Respondent Weldon W. Alders dba Woodway Subdivision Water System Case ID No. 14329 Reg. Ent. Reference No. RN101220929 Media [Statute] Public Water Supply Enf. Coordinator Yuliya Dunaway Violation Number 1	Docket No. 2008-0362-MLM-E Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)	PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------

Violation Description Failed to provide two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the water system is required to provide a service pump capacity of 774 gpm based on its 387 connections. However, at the time of the investigation, the water system was providing a service pump capacity of 550 gpm, which is a 29% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential		x		25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without sufficient pump capacity, customers of the water supply could experience low pressure and water outages and be exposed to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1	74	Number of violation days
-------------------------------------	----	---------------------------------

mark only one with an x	daily		Violation Base Penalty
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

\$250

One quarterly event is recommended from the date of the investigation, December 13, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$3,904	Violation Final Penalty Total \$275
This violation Final Assessed Penalty (adjusted for limits) \$275	

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101220929

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$15,000	13-Dec-2007	31-Aug-2011	3.7	\$186	\$3,718	\$3,904
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide two or more pumps with a total capacity of 2.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$3,904

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220929

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(6)

Violation Description

Failed to maintain Service Pump No. 2 at the well site in good working condition. Specifically, at the time of the investigation, it was documented that one of the system's two well service pumps was not in working condition.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the water system service pump in good working condition, could expose customers of the water supply to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

74

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the date of the investigation, December 13, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$81

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101220929

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$500	13-Dec-2007	1-Apr-2010	2.3	\$4	\$77	\$81
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace Service Pump No. 2 at the well site, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$81

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220929

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(u)

Violation Description

Failed to plug abandoned water system Well No. 2 in accordance with 16 Tex. Admin. Code ch. 76 or return the well to a non-deteriorated condition.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure that the well is properly cemented and protected could cause the water supplied to customers being contaminated with a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 3

74 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,500

Three monthly events are recommended from the date of the investigation, December 13, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$242

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101220929

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	13-Dec-2007	1-Apr-2010	2.3	\$12	\$230	\$242
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to plug the well or return it to a non-deteriorated condition, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$242

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220929

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to provide a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

74

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101220929

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Dec-2007	30-Jan-2009	1.1	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101220929

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)

Violation Description

Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodway Subdivision Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101220929

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Dec-2007	1-Mar-2010	2.2	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$22

Compliance History

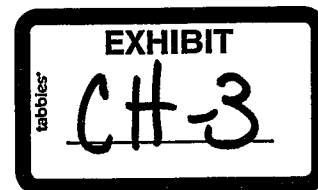
Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101220929	WOODWAY SUBDIVISION WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1460091	
	WATER LICENSING	LICENSE	1460091	
Location:	AT THE INTERSECTION OF CR 427 AND FM 1409, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 21, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 21, 2003 to February 21, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Yuliya Dunaway		Phone:	(210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 07/16/2003 | (126832) |
| 2 | 12/09/2005 | (438403) |
| 3 | 02/12/2008 | (611138) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Date: | 07/02/2003 | (126832) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii) | | |
| Description: | Failure to meet this Agency's "Minimum Water System Capacity Requirements." | | |
| Date: | 12/06/2005 | (438403) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(h)(1) | | |
| Description: | Failure to obtain plans for major improvements. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 291, SubChapter F 291.93(3) | | |
| Description: | Failure to submit an 85% planning report addressing the ground storage tank and service pumps exceeding more than 85% capacity. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii) | | |
| Description: | Failure to meet this Agency's Minimum Water System Capacity Requirements for service pump capacity. | | |
- F. Environmental audits.
N/A



G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	19-Feb-2008	Screening	25-Feb-2008	EPA Due	1-Aug-2008
	PCW	31-Jul-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Weldon W. Alders dba Woodlands Hills Water Company
Reg. Ent. Ref. No.	RN101177483
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	14329	No. of Violations	5
Docket No.	2008-0362-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **25% Enhancement** **Subtotals 2, 3, & 7** **\$2,275**

Notes The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$12,525** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$66,100** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,375**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$11,375**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,375**

DEFERRAL **0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$11,375**

PCW #4

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101177483

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 25-Feb-2008 Respondent Weldon W. Alders dba Woodlands Hills Water Company Case ID No. 14329 Reg. Ent. Reference No. RN101177483 Media [Statute] Public Water Supply Enf. Coordinator Yuliya Dunaway Violation Number <input type="text" value="1"/>	Docket No. 2008-0362-MLM-E Policy Revision 2 (September 2002) PCW Revision January 29, 2008	PCW																
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(ii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii																		
Violation Description Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the water system did not have a ground storage tank, which is a 100% deficiency.																		
Base Penalty <input style="width: 100px;" type="text" value="\$1,000"/>																		
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </tbody> </table>		Major	Moderate	Minor	Release				Actual				Potential	x			Percent <input style="width: 50px;" type="text" value="50%"/>
	Major	Moderate	Minor															
Release																		
Actual																		
Potential	x																	
>> Programmatic Matrix																		
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Falsification	Major	Moderate	Minor															
Matrix Notes	Without sufficient storage capacity, the water system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that exceed levels protective of human health.																	
Adjustment <input style="width: 100px;" type="text" value="\$500"/>																		
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Violation Events																		
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input style="width: 50px;" type="text" value="8"/> </td> <td style="width: 20%;"></td> <td style="width: 40%;"> Number of violation days <input style="width: 50px;" type="text" value="682"/> </td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;"> <i>mark only one with an x</i> </td> <td style="width: 20%;"> <div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div> </td> <td style="width: 60%;"></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, February 25, 2008. </div>			Number of Violation Events <input style="width: 50px;" type="text" value="8"/>		Number of violation days <input style="width: 50px;" type="text" value="682"/>	<i>mark only one with an x</i>	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>											
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<table style="width: 100%;"> <tr> <td style="width: 50%;">Economic Benefit (EB) for this violation</td> <td style="width: 50%;">Statutory Limit Test</td> </tr> <tr> <td> Estimated EB Amount <input style="width: 100px;" type="text" value="\$9,100"/> </td> <td> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,000"/> </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,000"/> </td> </tr> </table>			Economic Benefit (EB) for this violation	Statutory Limit Test	Estimated EB Amount <input style="width: 100px;" type="text" value="\$9,100"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,000"/>	This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,000"/>											
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Estimated EB Amount <input style="width: 100px;" type="text" value="\$9,100"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,000"/>																	
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,000"/>																		

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Case ID No. 14329

Reg. Ent. Reference No. RN101177483

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$50,000	14-Apr-2006	18-Nov-2008	2.6	\$433	\$8,667	\$9,100
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of 200 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$50,000	TOTAL	\$9,100
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Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101177483

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system did not have any service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient service pump capacity, the water system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8

682 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,374

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Case ID No. 14329

Reg. Ent. Reference No. RN101177483

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$15,000	14-Apr-2006	30-Jun-2009	3.2	\$161	\$3,214	\$3,374
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$3,374

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101177483

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)

Violation Description

Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Case ID No. 14329

Reg. Ent. Reference No. RN101177483

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Dec-2007	1-Jan-2009	1.1	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101177483

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to provide a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Case ID No. 14329

Reg. Ent. Reference No. RN101177483

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	11-Dec-2007	30-Jan-2009	1.1	\$17	n/a	\$17
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Screening Date 25-Feb-2008

Docket No. 2008-0362-MLM-E

PAW

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Net. Reference No. RN101177483

Media [Statute] Public Water Supply

End. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cites)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the pressure gauge was leaking at Well No. 3 and well discharge lines were leaking at Well Nos. 1 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain distribution system lines and pressure maintenance facilities in a watertight condition could result in customers of the water system being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

76 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

Three quarterly events are recommended (one event per leak) from the date of the investigation, December 11, 2007, to the date of screening, February 25, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Woodlands Hills Water Company

Case ID No. 14329

Reg. Ent. Reference No. RN101177483

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$600	11-Dec-2007	24-Jun-2009	0.5	\$1	\$21	\$22
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair leaking discharge lines and a pressure gauge, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$22

Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101177483	WOODLANDS HILLS WATER CO	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1460120	
	WATER LICENSING	LICENSE	1460120	
Location:	AT THE INTERSECTION OF CR 6476 AND CR 6475, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 21, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 21, 2003 to February 21, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/14/2006

ADMINORDER 2004-0480-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide the minimum total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps with a minimum total capacity of 2.0 g.p.m. per connection at each pump station or pressure plane.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 12/08/2003 (255998)
- 2 08/06/2004 (275977)
- 3 08/10/2004 (275979)
- 4 02/17/2006 (450153)
- 5 02/11/2008 (611103)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/17/2006 (450153)

Self Report? NO

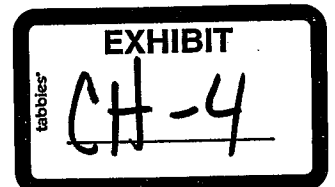
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure by a community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DL QOR) each quarter by the 10th day of the month following the quarter.

Self Report? NO

Classification: Moderate



Citation:	30 TAC Chapter 290, SubChapter F 290.121	
Description:	Failure by the regulated entity to develop and maintain an up to date system monitoring plan.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)	
Description:	Failure to properly maintain the regulated entity by not repairing or replacing the leaking site glass on the pressure tank at well #3.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)	
Description:	Failure to maintain the Monthly Reports of Water Works Operation these must be compiled regularly each month and kept on file for commission review for at least 2 years.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)	
Description:	Failure to inspect the pressure tanks annually.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 291, SubChapter F 291.93(3)	
Description:	Failure, by a retail public utility that possesses a CCN that has reached 85% of its well and pressure tank capacity to submit a planning report that clearly explains how the utility will provide the expected service demands to the remaining areas within its boundaries.	

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

Assigned	3-Mar-2008				
PCW	31-Jul-2009	Screening	4-Mar-2008	EPA Due	1-Aug-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Lakeview Water System				
Reg. Ent. Ref. No.	RN101458750				
Facility/Site Region	12-Houston		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	5
Docket No.	2008-0362-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$8,450**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 25% Enhancement Subtotals 2, 3, & 7 **\$2,112**

Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts	\$12,819
Approx. Cost of Compliance	\$66,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$10,562

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$10,562

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$10,562

DEFERRAL

0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$10,562

PCW #5

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii

Violation Description

Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the water system did not have a ground storage tank, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient storage capacity, the water system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8

690 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, March 4, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9,800

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$50,000	14-Apr-2006	30-Jan-2009	2.8	\$467	\$9,333	\$9,800
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of 200 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$9,800

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system did not have any service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient service pump capacity, the water system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8

690 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Eight quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0480-PWS-E, April 14, 2006, to the date of screening, March 4, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,940

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$15,000	14-Apr-2006	30-Jan-2009	2.8	\$140	\$2,800	\$2,940
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection, calculated from the effective date of the Agreed Order Docket No. 2004-0480-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$2,940

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the sight glass on the pressure tank was leaking.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain pressure maintenance facilities in a watertight condition could result in customers being expose to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

82

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	---------------------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Dec-2007	30-Jan-2009	1.1	\$2	\$38	\$40
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the leaking sight glass on the pressure tank, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$40

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (f)(3)(A)(ii)

Violation Description

Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the water system's operating records lacked components of the average amount of water treated each week and chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

82 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Dec-2007	1-Mar-2010	2.2	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$22

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to maintain a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

82 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$312

This violation Final Assessed Penalty (adjusted for limits) \$312

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	13-Dec-2007	30-Jan-2009	1.1	\$17	n/a	\$17
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101458750	LAKEVIEW WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1460098
Location:	AT THE INTERSECTION OF CR 4536 AND CR 350, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 03, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 03, 2003 to March 03, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/14/2006

ADMINORDER 2004-0480-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide the minimum total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps with a minimum total capacity of 2.0 g.p.m. per connection at each pump station or pressure plane.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 10/09/2003 (249411)
- 2 08/06/2004 (277238)
- 3 08/10/2004 (277372)
- 4 02/17/2006 (450151)
- 5 02/28/2008 (611137)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/17/2006 (450151)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entity by not repairing or replacing the roof on the hypochlorinator's room.

Self Report? NO

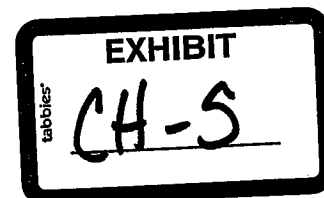
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)

Description: Failure to provide an intruder-resistant fence.

Self Report? NO

Classification: Moderate



Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)	
Description:	Failure to inspect the pressure tank.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.38	
Description:	Failure to repair or replace the cracked concrete sealing block surrounding the well head.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121	
Description:	Failure by the regulated entity to develop and maintain an up to date system monitoring plan.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)	
Description:	Failure by a community public water system that uses purchased water or groundwater sources to Disinfectant Level Quarterly Operating Report.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 291, SubChapter F 291.93(3)	
Description:	Failure, by a retail public utility that possesses a CCN that has reached 85% of its pressure tank capacity to submit a planning report that clearly explains how the utility will provide the expected service demands to the remaining areas within its boundaries.	

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	3-Mar-2008	Screening	4-Mar-2008	EPA Due	1-Aug-2008
	PCW	31-Jul-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Lakeview Water System		
Reg. Ent. Ref. No.	RN101458750		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	1	
Docket No.	2008-0362-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Utilities	Enf. Coordinator	Yuliya Dunaway	
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$125**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 25% Enhancement Subtotals 2, 3, & 7 **\$31**

Notes: The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement orders containing a denial of liability.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$28
Approx. Cost of Compliance \$500
0% Enhancement*
*Capped at the Total EB \$ Amount
Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7 Final Subtotal **\$156**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$156**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$156**

DEFERRAL 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$156**

PCW #6

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Utilities

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 4-Mar-2008

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Lakeview Water System

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101458750

Media [Statute] Public Water Utilities

Enf. Coordinator Yuliya Dunaway

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 291.93(3) and Tex. Water Code § 13.139(d)

Violation Description

Failed to submit a written planning report to the Commission regarding Lakeview Water System that clearly explains how the retail public utility that possesses a Certificate of Convenience and Necessity ("CCN") and has reached 85% of its capacity will provide the expected service demands to the remaining areas within the boundaries of its certified area. Specifically, at the time of the investigation, it was documented that the water system's pressure tank capacity has reached 92%.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$375

\$125

Violation Events

Number of Violation Events 1

82 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$125

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$156

This violation Final Assessed Penalty (adjusted for limits) \$156

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Lakeview Water System

Case ID No. 14329

Reg. Ent. Reference No. RN101458750

Media Public Water Utilities

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	13-Dec-2007	30-Jan-2009	1.1	\$28	n/a	\$28
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to prepare and submit to the Commission a retail public utility planning report, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101458750	LAKEVIEW WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1460098
Location:	AT THE INTERSECTION OF CR 4536 AND CR 350, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 03, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 03, 2003 to March 03, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Yuliya Dunaway		Phone:	(210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 04/14/2006 ADMINORDER 2004-0480-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Failed to provide the minimum total storage capacity of 200 gallons per connection.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Failed to provide two or more pumps with a minimum total capacity of 2.0 g.p.m. per connection at each pump station or pressure plane.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 10/09/2003 | (249411) |
| 2 | 08/06/2004 | (277238) |
| 3 | 08/10/2004 | (277372) |
| 4 | 02/17/2006 | (450151) |
| 5 | 02/28/2008 | (611137) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 02/17/2006 (450151)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
- Description: Failure to properly maintain the regulated entity by not repairing or replacing the roof on the hypochlorinator's room.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)
- Description: Failure to provide an intruder-resistant fence.
- Self Report? NO Classification: Moderate



Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)	
Description:	Failure to inspect the pressure tank.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.38	
Description:	Failure to repair or replace the cracked concrete sealing block surrounding the well head.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121	
Description:	Failure by the regulated entity to develop and maintain an up to date system monitoring plan.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)	
Description:	Failure by a community public water system that uses purchased water or groundwater sources to Disinfectant Level Quarterly Operating Report.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 291, SubChapter F 291.93(3)	
Description:	Failure, by a retail public utility that possesses a CCN that has reached 85% of its pressure tank capacity to submit a planning report that clearly explains how the utility will provide the expected service demands to the remaining areas within its boundaries.	

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas
N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	26-Nov-2007	Screening	7-Dec-2007	EPA Due	1-Aug-2008
	PCW	31-Jul-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Weldon W. Alders dba Southampton Subdivision		
Reg. Ent. Ref. No.	RN101239887		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	14329	No. of Violations	2
Docket No.	2008-0362-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$6,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 25% Enhancement Subtotals 2, 3, & 7 **\$1,500**

Notes: The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

50% Enhancement* Subtotal 6 **\$3,000**
Total EB Amounts \$22,800
Approx. Cost of Compliance \$65,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$10,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$10,500**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$10,500**

DEFERRAL 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$10,500**

PCW #7

Screening Date 7-Dec-2007

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Southampton Subdivision

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101239887

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final enforcement order containing a denial of liability

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 7-Dec-2007

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Southampton Subdivision

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101239887

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i.

Violation Description

Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the water system did not have a ground storage tank, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient storage capacity, customers of the water supply could experience water outages and the system's ability to provide a safe and adequate supply of water could be compromised.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 6

466 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Six quarterly events are recommended from the effective date of the Agreed Order Docket No. 2006-0217-PWS-E, August 28, 2006, to the date of screening, December 7, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17,538

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Southampton Subdivision

Case ID No. 14329

Reg. Ent. Reference No. RN101239887

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$50,000	28-Aug-2006	31-Aug-2011	5.0	\$835	\$16,703	\$17,538
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of 200 gallons per connection, calculated from the effective date of the Agreed Order Docket No. 2006-0217-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$17,538

Screening Date 7-Dec-2007

Docket No. 2008-0362-MLM-E

PCW

Respondent Weldon W. Alders dba Southampton Subdivision

Policy Revision 2 (September 2002)

Case ID No. 14329

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101239887

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii.

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system did not have any service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient storage capacity, customers of the water supply could experience water outages and the system's ability to provide a safe and adequate supply of water could be compromised.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 6

466 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Six quarterly events are recommended from the effective date of the Agreed Order Docket No. 2006-0217-PWS-E, August 28, 2006, to the date of screening, December 7, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,262

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent Weldon W. Alders dba Southampton Subdivision

Case ID No. 14329

Reg. Ent. Reference No. RN101239887

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$15,000	28-Aug-2006	31-Aug-2011	5.0	\$251	\$5,011	\$5,262
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection, calculated from the effective date of the Agreed Order Docket No. 2006-0217-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$5,262

Compliance History

Customer/Respondent/Owner-Operator:	CN600625412	ALDERS, WELDON W	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101239887	SOUTHAMPTON SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1460148	
Location:	AT CR 4700 AND CR 4701, LIBERTY COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

- | | |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

ADMINORDER 2006-0217-PWS-E

Effective Date: 08/28/2006

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of a total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure by a public water system that uses groundwater sources only to submit a Quarterly Distribution Report for Public Water Systems.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to prepare and maintain an up-to date chemical and microbiological monitoring plan.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to conduct annual pressure tank inspection by water system personnel or a contracted inspection service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including a broken sight glass and a leaking release device on the pressure tank.

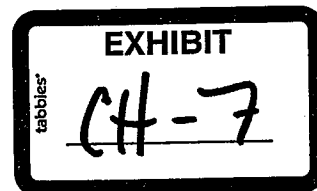
- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)



N/A 1 11/21/2003 (254086)
2 02/06/2006 (450152)
3 11/21/2007 (593705)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/20/2003 (254086)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of a total storage capacity of 200 gallons per connection.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290; SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum water system capacity requirement of two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

The seal of the State of Texas, featuring a five-pointed star in the center, surrounded by a wreath of olive and oak branches. The words "THE STATE OF TEXAS" are inscribed around the perimeter of the seal.

ENVIRONMENTAL QUALITY

Mr. Alders understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Alders agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Alders.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Alders owns six public water systems, referred to collectively as the "Facilities".
 - a. Mr. Alders owns Fairfield Estates which is a public water system located at the intersection of CR 6022 and CR 6021, Liberty County, Texas (the "Fairfield Facility").
 - b. Mr. Alders owns Meadow Glen Crystal Springs Water which is a public water system located at the intersection of FM 1413 and CR 490, Liberty County, Texas (the "Meadow Glen Facility").
 - c. Mr. Alders owns Woodway Subdivision Water System which is a public water system located at the intersection of CR 427 and FM 1409, Liberty County, Texas (the "Woodway Subdivision Facility").
 - d. Mr. Alders owns Woodlands Hills Water Company which is a public water system located at the intersection of CR 6476 and CR 6475, Liberty County, Texas (the "Woodlands Hills Facility").
 - e. Mr. Alders owns Lakeview Water System which is a public water system located at the intersection of CR 4536 and CR 350, Liberty County, Texas (the "Lakeview Facility").
 - f. Mr. Alders owns Southampton Subdivision which is a public water system located at the intersection of CR 4700 and CR 4701, Liberty County, Texas (the "Southampton Facility").
2. The Fairfield Facility provides water for human consumption, has two hundred eighty-five (285) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Fairfield Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).

3. The Meadow Glen Facility provides water for human consumption, has three hundred thirty (330) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Meadow Glen Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
4. The Woodway Subdivision Facility provides water for human consumption, has three hundred eighty-seven (387) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Woodway Subdivision Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
5. The Woodlands Hills Facility provides water for human consumption, has five hundred ninety-eight (598) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Woodlands Hills Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
6. The Lakeview Facility provides water for human consumption, has one hundred thirty-eight (138) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Lakeview Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63). The Lakeview Facility operates, maintains, or controls in this state facilities for providing potable water service or sewer service, or both, for compensation. As such, the Lakeview Facility is a retail public utility as defined in TEX. WATER CODE § 13.002(19).
7. The Southampton Facility provides water for human consumption, has one hundred thirty-eight (138) service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
8. During an investigation conducted on December 11, 2007 at the Fairfield Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:
 - a. Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Fairfield Facility did not have a ground storage tank, which is a 100% deficiency.
 - b. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Fairfield Facility did not have any service pumps, which is a 100% deficiency.

- c. Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the Fairfield Facility's operating records lacked components of the average amount of water treated each week and chemicals used each day.
- d. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the exterior surface of the pressure tank had mildew accumulation.
- e. Failed to maintain an intruder-resistant fence in order to protect the water system's well. Specifically, at the time of the investigation, the fence located at Well No. 2 had barbed wire hanging down from it.
- f. Failed to provide a properly sealed wellhead to prevent the possibility of contaminating the well water. Specifically, at the time of the investigation, it was documented that the slab surface surrounding the wellhead was cracked and not sealed.
- g. Failed to maintain a thorough plant operations manual for operator review and reference.

9. During an investigation conducted on December 13, 2007 at the Meadow Glen Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:

- a. Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Meadow Glen Facility did not have a ground storage tank, which is a 100% deficiency.
- b. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that Meadow Glen Facility did not have any service pumps, which is a 100% deficiency.
- c. Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.
- d. Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment.

Specifically, at the time of the investigation, it was documented that the hypochlorinator solution container had calcium deposits built up at the bottom of the container and the sight glass on the pressure tank was leaking.

- e. Failed to provide a total well capacity of 0.6 gpm per connection. Specifically, the Meadow Glen Facility is required to provide a total well capacity of 198 gpm based on its 330 connections. However, at the time of the investigation, Meadow Glen Facility was providing a total of 150 gpm of well capacity, which is a 24% deficiency.
 - f. Failed to provide a thorough plant operations manual for operator review and reference.
10. During an investigation conducted on December 13, 2007 at the Woodway Subdivision Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:
- a. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection. Specifically, the Woodway Subdivision Facility is required to provide a service pump capacity of 774 gpm based on its 387 connections. However, at the time of the investigation, the Woodway Subdivision Facility was providing a service pump capacity of 550 gpm, which is a 29% deficiency.
 - b. Failed to maintain Service Pump No. 2 at the well site in good working condition. Specifically, at the time of the investigation, it was documented that one of the Woodway Subdivision Facility's two well service pumps was not in working condition.
 - c. Failed to plug abandoned water system Well No. 2 in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition.
 - d. Failed to provide a thorough plant operations manual for operator review and reference.
 - e. Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.
11. During an investigation conducted on December 11, 2007 at the Woodlands Hills Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:

- a. Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Woodlands Hills Facility did not have a ground storage tank, which is a 100% deficiency.
 - b. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that the Woodlands Hills Facility did not have any service pumps, which is a 100% deficiency.
 - c. Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week and chemicals used each day.
 - d. Failed to provide a thorough plant operations manual for operator review and reference.
 - e. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the pressure gauge was leaking at Well No. 3 and well discharge lines were leaking at Well Nos. 1 and 3.
12. During an investigation conducted on December 13, 2007 at the Lakeview Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:
- a. Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Lakeview Facility did not have a ground storage tank, which is a 100% deficiency.
 - b. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that the Lakeview Facility did not have any service pumps, which is a 100% deficiency.
 - c. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the sight glass on the pressure tank was leaking.

- d. Failed to properly develop and maintain records of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the Lakeview Facility's operating records lacked components of the average amount of water treated each week and chemicals used each day.
 - e. Failed to maintain a thorough plant operations manual for operator review and reference.
 - f. Failed to submit a written planning report to the Commission regarding the Lakeview Facility that clearly explains how a retail public utility that possesses a Certificate of Convenience and Necessity ("CCN") that has reached 85% of its capacity will provide the expected service demands to the remaining areas within the boundaries of it certified area. Specifically, at the time of the investigation, it was documented that the Lakeview Facility's pressure tank capacity reached 92%.
13. During an investigation conducted on October 10, 2007 at the Southampton Facility, a TCEQ Houston Regional Office investigator documented that Mr. Alders:
- a. Failed to provide a storage tank capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Southampton Facility did not have a ground storage tank, which is a 100% deficiency.
 - b. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that the Southampton Facility did not have any service pumps, which is a 100% deficiency.
14. Mr. Alders received notice of the violations in paragraph 8 on or about March 4, 2008.
15. Mr. Alders received notice of the violations in paragraph 9 on or about February 16, 2008.
16. Mr. Alders received notice of the violations in paragraph 10 on or about February 16, 2008.
17. Mr. Alders received notice of the violations in paragraph 11 on or about February 16, 2008.
18. Mr. Alders received notice of the violations in paragraph 12 on or about February 16, 2008.
19. Mr. Alders received notice of the violations in paragraph 13 on or about November 25, 2007.
20. The Executive Director recognizes that Mr. Alders has implemented the following corrective measures at the Fairfield Facility:

- a. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection;
 - b. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection;
 - c. Repaired the barbed wire hanging down from the fence located at Well No. 2; and
 - d. Began maintaining a thorough plant operations manual for operator review and reference.
21. The Executive Director recognizes that Mr. Alders has implemented the following corrective measures at the Meadow Glen Facility:
- a. Cleaned the calcium deposits on the bottom of the hypochlorinator solution container and repaired the leaking sight glass on the pressure tank; and
 - b. Provided a thorough plant operations manual for operator review and reference.
22. The Executive Director recognizes that Mr. Alders has provided a thorough plant operations manual for operator review and reference at the Woodway Subdivision Facility.
23. The Executive Director recognizes that Mr. Alders has implemented the following corrective measures at the Woodlands Hills Facility:
- a. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection;
 - b. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection;
 - c. Developed and began maintaining records of water works operation and maintenance activities, including the average amount of water treated each week and chemicals used each day;
 - d. Provided a thorough plant operations manual for operator review and reference; and
 - e. Repaired the leaking pressure gauge at Well No. 3 and repaired the leaking discharge lines at Well Nos. 1 and 3.

24. The Executive Director recognizes that Mr. Alders has implemented the following corrective measures at the Lakeview Facility:
- a. Installed a ground storage tank that provides a storage tank capacity of at least 200 gallons per connection;
 - b. Installed two service pumps that provide a total capacity of at least 2.0 gpm per connection;
 - c. Repaired the leaking sight glass on the pressure tank; and
 - d. Provided a thorough plant operations manual for operator review and reference.
 - e. Decreased the number of connections served by the Lakeview Facility to prevent the pressure tank capacity from exceeding the 85% capacity limit which necessitates providing the Commission with a retail public utility planning report.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 through 7, Mr. Alders is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 13, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 8.a., Mr. Alders failed to provide a storage tank capacity of 200 gallons per connection at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii.
3. As evidenced by Finding of Fact No. 8.b., Mr. Alders failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii.
4. As evidenced by Finding of Fact No. 8.c., Mr. Alders failed to properly develop and maintain records of water works operation and maintenance activities at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and 290.46(f)(3)(A)(ii).

5. As evidenced by Finding of Fact No. 8.d., Mr. Alders failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
6. As evidenced by Finding of Fact No. 8.e., Mr. Alders failed to maintain an intruder-resistant fence in order to protect the water system's well at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
7. As evidenced by Finding of Fact No. 8.f., Mr. Alders failed to provide a properly sealed wellhead to prevent the possibility of contaminating the well water at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
8. As evidenced by Finding of Fact No. 8.g., Mr. Alders failed to maintain a thorough plant operations manual for operator review and reference at the Fairfield Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
9. As evidenced by Finding of Fact No. 9.a., Mr. Alders failed to provide a storage tank capacity of 200 gallons per connection at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i.
10. As evidenced by Finding of Fact No. 9.b., Mr. Alders failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii.
11. As evidenced by Finding of Fact No. 9.c., Mr. Alders failed to properly develop and maintain records of water works operation and maintenance activities at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and 290.46(f)(3)(A)(ii).
12. As evidenced by Finding of Fact No. 9.d., Mr. Alders failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
13. As evidenced by Finding of Fact No. 9.e., Mr. Alders failed to provide a total well capacity of 0.6 gpm per connection at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

14. As evidenced by Finding of Fact No. 9.f., Mr. Alders failed to provide a thorough plant operations manual for operator review and reference at the Meadow Glen Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
15. As evidenced by Finding of Fact No. 10.a., Mr. Alders failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection at the Woodway Subdivision Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
16. As evidenced by Finding of Fact No. 10.b., Mr. Alders failed to maintain Service Pump No. 2 at the well site in good working condition at the Woodway Subdivision Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6).
17. As evidenced by Finding of Fact No. 10.c., Mr. Alders failed to plug abandoned water system Well No. 2 in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition at the Woodway Subdivision Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(u).
18. As evidenced by Finding of Fact No. 10.d., Mr. Alders failed to provide a thorough plant operations manual for operator review and reference at the Woodway Subdivision Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
19. As evidenced by Finding of Fact No. 10.e., Mr. Alders failed to properly develop and maintain records of water works operation and maintenance activities at the Woodway Subdivision Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and 290.46(f)(3)(A)(ii).
20. As evidenced by Finding of Fact No. 11.a., Mr. Alders failed to provide a storage tank capacity of 200 gallons per connection at the Woodlands Hills Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii.
21. As evidenced by Finding of Fact No. 11.b., Mr. Alders failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at the Woodlands Hills Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii.

22. As evidenced by Finding of Fact No. 11.c., Mr. Alders failed to properly develop and maintain records of water works operation and maintenance activities at the Woodlands Hills Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and 290.46(f)(3)(A)(ii).
23. As evidenced by Finding of Fact No. 11.d., Mr. Alders failed to provide a thorough plant operations manual for operator review and reference at the Woodlands Hills Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
24. As evidenced by Finding of Fact No. 11.e., Mr. Alders failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in watertight condition at the Woodlands Hills Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
25. As evidenced by Finding of Fact No. 12.a., Mr. Alders failed to provide a storage tank capacity of 200 gallons per connection at the Lakeview Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.ii.
26. As evidenced by Finding of Fact No. 12.b., Mr. Alders failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at the Lakeview Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0480-PWS-E, Ordering Provision No. 3.d.iii.
27. As evidenced by Finding of Fact No. 12.c., Mr. Alders failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in watertight condition at the Lakeview Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
28. As evidenced by Finding of Fact No. 12.d., Mr. Alders failed to properly develop and maintain records of water works operation and maintenance activities at the Lakeview Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i) and 290.46(f)(3)(A)(ii).
29. As evidenced by Finding of Fact No. 12.e., Mr. Alders failed to maintain a thorough plant operations manual for operator review and reference at the Lakeview Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
30. As evidenced by Finding of Fact No. 12.f., Mr. Alders failed to submit a written planning report to the Commission regarding the Lakeview Facility that clearly explains how a retail public utility that possesses a CCN and has reached 85% of its capacity will provide the

expected service demands to the remaining areas within the boundaries of its certified area, in violation of 30 TEX. ADMIN. CODE § 291.93(3) and TEX. WATER CODE § 13.139(d).

31. As evidenced by Finding of Fact No. 13.a., Mr. Alders failed to provide a storage tank capacity of 200 gallons per connection at the Southampton Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.i.
32. As evidenced by Finding of Fact No. 13.b., Mr. Alders failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at the Southampton Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2006-0217-PWS-E, Ordering Provision No. 2.c.ii.
33. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Alders for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
34. An administrative penalty in the amount of sixty-one thousand three hundred ninety dollars (\$61,390.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Mr. Alders has paid one thousand seven hundred fifteen dollars (\$1,715.00) of the administrative penalty. The remaining amount of fifty-nine thousand six hundred seventy-five dollars (\$59,675.00) of the administrative penalty shall be payable in 35 monthly payments of one thousand seven hundred five dollars (\$1,705.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Mr. Alders fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Alders to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Alders to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ORDERS that:

1. Mr. Alders is assessed an administrative penalty in the amount of sixty-one thousand three hundred ninety dollars (\$61,390.00) as set forth in Conclusion of Law No. 34 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Alders' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Weldon W. Alders dba Fairfield Estates, dba Meadow Glen Crystal Springs Water, dba Woodway Subdivision Water System, dba Woodlands Hills Water Company, dba Lakeview Water System, and dba Southampton Subdivision; Docket No. 2008-0362-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Alders shall undertake the following technical requirements at the Fairfield Facility:
 - a. Within 30 days after the effective date of this Agreed Order, Mr. Alder shall:
 - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to removing mildew accumulation from the exterior surface on the pressure tank, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day, as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 45 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.

- c. Within 60 days after the effective date of this Agreed Order, Mr. Alders shall completely seal the slab surface surrounding the wellhead for Well No. 2 to prevent the possibility of contaminating the well water, as required by 30 TEX. ADMIN. CODE § 290.41.
 - d. Within 75 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 2.c.
- 3. Mr. Alders shall undertake the following technical requirements at the Meadow Glen Crystal Water Facility:
 - a. Within 30 days after the effective date of this Agreed Order, Mr. Alders shall ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 3.a.
 - c. Within 545 days after the effective date of this Agreed Order, Mr. Alders shall:
 - i. Provide a total well capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a storage tank capacity of 200 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide a minimum of two service pumps with a total rated capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 560 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 3.c.i. through 3.c.iii.

4. Mr. Alders shall undertake the following technical requirements at the Woodway Subdivision Facility:
 - a. Within 30 days after the effective date of this Agreed Order, Mr. Alders shall ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated each week and chemicals used each day, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 4.a.
 - c. Within 60 days after the effective date of this Agreed Order, Mr. Alders shall:
 - i. Plug Well No. 2 with cement according to 16 TEX. ADMIN. CODE ch. 76 or return it to a non-deteriorated condition, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Repair or replace Service Pump No. 2 at the well site, as required by 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 75 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification of compliance as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 4.c.i. and 4.c.ii.
 - e. Within 545 days after the effective date of this Agreed Order, Mr. Alders shall provide a minimum of two service pumps with a total rated capacity of 2.0 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
 - f. Within 560 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification of compliance as described below in Ordering Provision No. 7, that demonstrates compliance with Ordering Provision No. 4.e.
5. Mr. Alders shall undertake the following technical requirements at the Lakeview Facility:
 - a. Within 30 days after the effective date of this Agreed Order, Mr. Alder shall ensure that monthly water works operation and maintenance records are properly completed and maintained, including but not limited to documenting the amount of water treated

each week and chemicals used each day, as required by 30 TEX. ADMIN. CODE § 290.46.

- b. Within 45 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7 that demonstrates compliance with Ordering Provision No. 5.a.
6. Mr. Alders shall undertake the following technical requirements at the Southampton Facility:
- a. Within 545 days after the effective date of this Agreed Order, Mr. Alders shall:
 - i. Provide a storage tank capacity of 200 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps with a total combined capacity of 2.0 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
 - b. Within 560 days after the effective date of this Agreed Order, Mr. Alders shall submit written certification as described below in Ordering Provision No. 7 that demonstrates compliance with Ordering Provision Nos. 6.a.i. and 6.a.ii.
7. The certifications required by Ordering Provision Nos. 2.b., 2.d., 3.b., 3.d., 4.b., 4.d., 4.f., 5.b., and 6.b. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Stephen Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

8. The provisions of this Agreed Order shall apply to and be binding upon Mr. Alders. Mr. Alders is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
9. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Alders shall be made in writing to the Executive Director. Extensions are not effective until Mr. Alders receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
10. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Alders if the Executive Director determines that Mr. Alders has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Alders in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
13. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

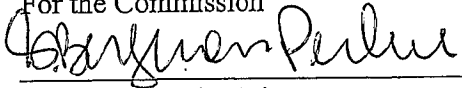
**Weldon W. Alders dba Fairfield Estates, dba Meadow Glen Crystal Springs Water, dba Woodway
Subdivision Water System, dba Woodlands Hills Water Company, dba Lakeview Water System, and dba
Southampton Subdivision
2008-0362-MLM-E
Page 19**

14. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Agreed Order to Mr. Alders, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Alders, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/29/09


Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Weldon W. Alders dba Fairfield Estates, dba Meadow Glen Crystal Springs Water, dba Woodway Subdivision Water System, dba Woodlands Hills Water Company, dba Lakeview Water System, and dba Southampton Subdivision. I represent that I am authorized to agree to the attached Agreed Order on behalf of Weldon W. Alders dba Fairfield Estates, dba Meadow Glen Crystal Springs Water, dba Woodway Subdivision Water System, dba Woodlands Hills Water Company, dba Lakeview Water System, and dba Southampton Subdivision, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Mr. Alders' compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Alders;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Mr. Alders;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature

9-21-09
Date

Weldon W. Alders
Name (printed or typed)
Authorized Representative

Owner
Title

Weldon W. Alders dba Fairfield Estates, dba Meadow Glen Crystal Springs Water, dba Woodway Subdivision Water System, dba Woodlands Hills Water Company, dba Lakeview Water System, and dba Southampton Subdivision